



Joint Information Management Unit
Thames Valley Police
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Telephone 01865 846 033

Mr John Goss
[request-162102-
7dbc1057@whatdotheyknow.com](mailto:request-162102-7dbc1057@whatdotheyknow.com)

Dear Mr Goss

Reference No: RFI2013000435, RFI2013000436 and RFI2013000462

I write in connection with the above-referenced Freedom of Information requests, dated 21 and 28 May 2013. Your requests have now been considered as follows and are in reference to the death of Dr David Kelly.

The requests are being refused under Section 12(1) of the FOIA. Section 12 of the FOIA does not oblige a public authority to comply with Section 1(1) of the Act, if the authority estimates that the cost of complying would exceed the appropriate limit. Some of the information you have requested is not held in an easily retrievable format, and to identify whether it is held, locate and retrieve the detailed and specific information requested, would involve complex searches of large individual manual files. This would therefore exceed the appropriate cost limit.

In considering whether the appropriate costs limit would be exceeded, we have also taken into account the following. Including your requests, we have received a total of 11 separate pieces of correspondence, from four individuals, containing at least 72 separate requests, within a 14 day period. These requests relate to the same or similar information and in all the circumstances appear to us to have been made by persons acting in concert or in pursuance of a campaign. We have therefore applied Section 12(4)(b) and aggregated these requests together for the purposes of considering the likely costs. In accordance with the Freedom of Information Act, this letter represents a Refusal Notice for this request.

Section 16 – Further Advice and Assistance

In accordance with our duty under section 16 of the Act, we have considered what advice and assistance we can reasonably provide in respect of your requests. In all the circumstances we do not think there is any advice and assistance we can reasonably provide which would enable you to refine your request, so as to bring it within the costs limit. However, although not directly providing information in response to your requests, in the interests of openness and transparency we have sought to provide some information which we hope will be of assistance.

<u>Request</u>	<u>Response</u>
<p>(1) Was the Attorney General, Mr Dominic Grieve M.P., provided with all the photographs in the possession of Thames Valley Police taken at the scene of Dr Kelly's death when he conducted his 'review' into whether there were sufficient grounds for an inquest?</p> <p>(2) Were all the photographs taken by PC Sawyer shown to the Attorney General?</p> <p>(3) In a previous FOI request (reference RFI2011000524) it is revealed that six photographs were taken with the times 10.10:18, 10.10:37, 10.11:08, 10.11:20, 10.13:40 & 10.15:05. It revealed too that three cameras were used to take photographs, two without any recorded times. A video camera was also used for which there is no recorded time. Is that correct?</p> <p>(4) How many police personnel were there who took photographs? Who was/were they?</p> <p>(5) Sometimes police authorities use independent photographers. Did Thames Valley Police engage an independent photographer for any of the photographs of the scene of death in its possession?</p> <p>(6) Does TVP know of any other photographs, for example from members of the public, or other government agencies, taken of the scene of death.</p>	<p>(1-11) Please see Section 12 explanation on the first page of this response.</p> <p>Section 16 – Further Advice and Assistance; In accordance with our duty under section 16 of the Act, we have considered what advice and assistance we can reasonably provide in respect of your requests. In all the circumstances, we do not think there is any advice and assistance we can reasonably provide which would enable you to refine your request, so as to bring it within the costs limit. However, although not directly providing information in response to your requests, in the interests of openness and transparency we have sought to provide some information below which we hope will be of assistance. The Attorney General was given access to the investigation undertaken by Thames Valley Police.</p>

(7) Including video footage (count as 1) and photographs from the three cameras, and all other photographs known to Thames Valley Police how many photographs exist that were taken at the scene of death?

(8) Were all known photographs shown to the Attorney General including the video footage?

(9) Was any information whatsoever regarding the death of Dr David Kelly not made available to the Attorney General?

(10) If any item/s of information was/were withheld from the AG, what was it/were they?

(11) If any item/s of information was/were withheld from the AG, why was/were it/they withheld?

<u>Request</u>	<u>Response</u>
<p>(1) The author of the blog claims that on 28th October 2010 he reported to Thames Valley Police that Dr. Kelly may have been murdered. Is it correct that Dr. Watt reported that suspicion to Thames Valley Police on that date?</p> <p>(2) Did Thames Valley Police assign the Unique Reference Number URN 514 of 28th October 2010 to Dr. Watt's report that he suspected Dr. Kelly had been murdered?</p> <p>(3) Did Thames Valley Police take a statement from Dr. Watt? On what date?</p> <p>(4) In two posts containing emails seemingly copied to Chief Constable Sara Thornton http://chilcotscheatingus.blogspot.co.uk/2011/05/death-of-david-kelly-unreliability-of.html and http://chilcotscheatingus.blogspot.co.uk/2011/08/death-of-david-kelly-did-acc-page.html Dr. Watt claimed that former Assistant Chief Constable Michael Page may have perverted the course of justice with respect to fingerprint evidence at the dental surgery. Did Chief Constable Thornton receive the emails to which the links refer?</p> <p>(5) What Unique Reference Number did Thames Valley Police assign to the report to Chief Constable Thornton of suspected perversion of the course of justice by Assistant Chief Constable Page?</p> <p>(6) Did Thames Valley Police take a statement from Dr. Watt about his suspicions?</p>	<p>(1-7) Please see Section 12 explanation on the first page of this response.</p> <p>Section 16 – Further Advice and Assistance; Thames Valley Police are aware that a number of individuals have expressed the view that Dr Kelly was murdered and raised concerns about the investigation and the various enquiries. However, there has already been a full and thorough investigation into the death of Dr Kelly, the circumstances were examined by an independent inquiry, the Coroner decided not to resume his inquest, a request to the Attorney-General to apply for a fresh inquest was refused after detailed consideration and an attempt to judicially review the Attorney-General's decision was dismissed. In those circumstances, no allegations subsequently received have been recorded as crimes or specifically investigated any further.</p>

<p>(7) What actions did Chief Constable Thornton take to investigate the alleged perversion of the course of justice by former Assistant Chief Constable Michael Page or to ensure that it was thoroughly investigated?</p>	
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<u>Request</u>	<u>Response</u>
<p>(1) On how many occasions in 2011 and 2012 did Thames Valley Police deem a Freedom of Information Request "vexatious"?</p> <p>(2) On how many of those occasions did the supposedly "vexatious" request relate to the death of Dr. David Kelly?</p> <p>(3) I ask for a copy of each seemingly "vexatious" FOI Request that related to the death of Dr. Kelly. I understand that you might wish to remove personal data from the requests and that is acceptable to me. If you redact the FOI Requests in any way please show the redactions in black so that their extent may be seen.</p> <p>(4) In light of the recent judgement by Judge Wikeley on the meaning of "vexatious" do Thames Valley Police have any plans to review the "vexatious" requests made with respect to the death of Dr. Kelly in the light of what Judge Wikeley had to say?</p>	<p>(1-4) Please see Section 12 explanation on the first page of this response.</p> <p>Section 16 – Further Advice and Assistance; In accordance with our duty under section 16 of the Act, we have considered what advice and assistance we can reasonably provide in respect of your requests. In all the circumstances, we do not think there is any advice and assistance we can reasonably provide which would enable you to refine your request, so as to bring it within the costs limit. However, although not directly providing information in response to your requests, in the interests of openness and transparency we have sought to provide some information below which we hope will be of assistance.</p> <p>Thames Valley Police has been open in responding to requests for information about the death of Dr Kelly; http://www.thamesvalley.police.uk/aboutus/aboutus-depts/aboutus-depts-infman/aboutus-depts-foi/aboutus-depts-foi-disclosure-log/aboutus-depts-foi-disclosure-log-investigate.htm?page=1.</p>

	<p>Information on our Fof performance, including exemptions used can be found at; http://www.thamesvalley.police.uk/aboutus/aboutus-depts/aboutus-depts-infman/aboutus-depts-foi/aboutus-depts-foi-disclosure-log/aboutus-depts-foi-disclosure-log-perf/aboutus-depts-foi-disclosure-log-item.htm?id=233069.</p> <p>Thames Valley Police will continue to deal with individual requests in accordance with the law and in the light of guidance issued by the Information Commissioner's Office (ICO). There are no plans to review any previous requests.</p>
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Complaint Rights

If you are dissatisfied with the handling procedures or the decision made by Thames Valley Police, you can lodge a complaint with the force to have the decision reviewed within two months of the date of this response. Complaints should be made in writing to the Public Access mailbox; publicaccess@thamesvalley.pnn.police.uk

If, after lodging a complaint with Thames Valley Police, you are still unhappy with the outcome, you may make application to the Information Commissioner at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Jonathan Hands | Public Access Manager
Hampshire Constabulary & Thames Valley Police |